

**From:** John Kundert-Gibbs  
**To:** Microsoft ATR,MicrosoftComments@doj.ca.gov@inetgw,...  
**Date:** 12/13/01 3:28pm  
**Subject:** Microsoft settlement

Dear attorneys general,

While I do not currently live in any of the states that are holdouts to the proposed Microsoft settlement, I have lived in two (California and Massachusetts) previously, and am certainly a citizen of the USA in any case, and thus feel my comments should be heard regarding this proposed settlement.

First, let me say that I wholeheartedly agree with the 9 states that have not yet signed off on the proposed settlement: this settlement, far from aiding the businesses and public who have been harmed by Microsoft's predatory practices, actually harms us.

One area that is particularly offensive to me, given that I have worked in the education field for over a decade now, is Microsoft's attempt to subversively instill good will toward itself via an inexpensive donation of refurbished computers plus a number of software titles that, one, are Microsoft titles, and two, cost the company perhaps 1% of their claimed value of \$850 million. If this portion of the settlement is approved, not only will Microsoft not spend anything like the \$1 billion they claim, they will shove their software down the throats of millions of the very children who have almost no recourse to other computing resources, removing their (and their school districts') choice of computing platform and software. Far from remedying monopolistic practice, this proposed settlement will only increase the monopoly powers of the company into areas of the education market--and for very little outlay of cash as well!

Beyond this one particular element of the settlement, I simply see no strong remedies in it that will either improve the lot of competitive companies (not to mention those that have been run out of business by the company in years past), or will improve the choices and competitive environment for us consumers.

In addition, from what I have been able to glean from the news, Microsoft through its lawyers is attempting to make the DOJ and 9 holdout states into the villains now. This is a patently ridiculous claim, as this group has spent years and countless dollars to punish a company that continues to this day to wield its monopolistic powers as flagrantly as they did when the whole case began. If a more radical settlement to this case is not accepted, Microsoft will happily pay their "slap on the wrist" punishment and continue with their monopolistic tactics, all the while beating their chests and claiming they have been unfairly treated.

After all this preamble, my suggestion is simple: treat Microsoft fairly for what they have done this past decade. In my opinion, the more radical settlement solutions proposed by the 9 states just barely qualifies as fair treatment for this reprehensible company.

Thank you for your time, and all of your work in this case!

John

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